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U.S. Neutrality in the Spanish Conflict

BY RAYMOND LESLIE BUELL

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During the Spanish civil war the American Congress endeavored to follow a neutral policy by imposing an arms embargo on both sides, and prohibiting contributions to belligerents. Imposition of the arms embargo at the President's request seemed largely inspired by a desire to cooperate with the embargo recommended by the London Non-Intervention Committee. In an effort to enforce real neutrality the State Department severely limited passports to Spain, and supported the introduction of legislation prohibiting the picketing of Embassies.

Despite the neutrality legislation of January and May 1937 and the existence of long-standing legislation forbidding foreign enlistment, certain ele-

ments of American opinion remained vocal and divided over the Spanish controversy. Meetings continued to be held throughout the year, funds were collected for humanitarian purposes, and several thousand Americans volunteered to fight on behalf of the Loyalists. The Spanish conflict graphically illustrated the difficulty of imposing "neutrality" on American opinion without destroying freedom of speech and other constitutional rights. On the other hand, the unwillingness of the President to extend the arms embargo to Italy, despite its open intervention in Spain which might be regarded as having created a state of war, demonstrated the danger of applying the embargo principle of the Neutrality Act against a great power, except in cooperation with other governments.

A CIVIL WAR in Spain would seem to be as remote from the sphere of interest of the American people as any imaginable event outside the United States—one to which the formula of "neutrality" could be applied without difficulty. In fact, however, the civil war which began in July 1936 has aroused the interest and feeling of certain Americans to an extent greater perhaps than Italy's aggression against Ethiopia or Japan's conquest of Manchuria. "Democracy," "non-intervention" and general humanitarianism have been American principles of long standing, and when the existence of democratic government in any country is threatened by violence, certain elements in the American public invariably become vocal. In this instance, moreover, many Americans have been influenced by new ideological considerations, growing out of the struggle between fascism and communism. The intervention of foreign powers—particularly Germany and Italy—in the Spanish civil war created an opportunity for anti-fascist Americans, some of them Communists, to express their hatred of fascism. They regarded Spain as the focal point of the struggle between fascist and anti-fascist powers.

These motives have led twenty-six American organizations to interest themselves in the Spanish civil war. The most powerful organizations are pro-Loyalist but a small minority, mostly led or financed by Catholics, support Franco.¹ While most of the organizations are headed by native-born Americans, Spanish societies in the United States are active on behalf of both sides.

The largest pro-Loyalist organization, claiming about 3,000,000 members, is the North American Committee to Aid Spanish Democracy, with Bishop McConnell as chairman, and the Rev. Herman F. Reissig as secretary. It is a delegate body, consisting of representatives of about 15 groups, including the Medical Bureau to Aid Spanish Democracy, the American League against War and Fascism, the American Student Union, the League for Industrial Democracy, the Socialist party, and the Communist party. It is probably the

1. The leading pro-Franco organization, the American Committee for Spanish Relief, reported that it had received contributions during the three months preceding September 1937 totaling \$28,514 but that its administrative and publicity expenses amounted to \$30,189. As a result, nothing had been sent to Spain. State Department, *Press Releases*, September 29, 1937.

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first "united front" organization to be established nationally, being composed of liberals, socialists and Communists—a combination which at times produced considerable dissension. The committee has about 60 chapters throughout the country, which hold meetings, distribute literature, and collect food, clothing and funds. Before the enactment of the neutrality law, these materials were sent direct to Valencia. On July 19 this committee, together with the Confederated Spanish Societies to Aid Spain, held a mass meeting at Madison Square Garden to celebrate a year of the Spanish war. About 20,000 people attended, 2,000 being turned away. Of the more than \$15,000 collected (exclusive of admissions and pledges), one-half went to Spanish children's homes and the other to medical aid.

An affiliated body, the American Friends of Spanish Democracy headed by Bishop Paddock, concerns itself primarily with issuing protests designed to influence American policy toward Spain. The Medical Bureau to Aid Spanish Democracy, headed by Dr. Walter B. Cannon of the Harvard Medical School, not only raises funds for the purchase of medical supplies but enlists the services of doctors and nurses who wish to go to Spain. In six months the Bureau raised \$118,045 and established six hospitals in Spain, with 18 ambulances and 99 American surgeons, nurses and ambulance drivers.²

In accordance with a resolution passed by the International Federation of Trade Unions, the executive board of the International Ladies Garment Workers' Union—under the name of Labor's Red Cross—raised more than \$125,000 by April 1937 for the Loyalist cause.³ Contributions came from a large number of unions and more than 50 other organizations. This committee subsequently changed its name to Trade Union Relief for Spain, because the term "Red Cross" can be used only by the regular organization.

In the three months preceding October 1, 1937 the 26 organizations registered with the State Department raised \$548,765 for relief work in Spain. Of this \$173,585 was spent upon administration and publicity within the United States, and \$301,001 was sent to Spain, leaving an unexpended balance of \$117,627.⁴ In addition, the American Red Cross sent \$78,000, of which \$37,000 went to the International Red Cross Committee which carried on work for both sides, \$5000 to the French Red Cross Society for relief of Basque refugee children, and \$36,000 for the evacuation of American citizens.

It is probable that during the first year of the Spanish war, three-quarters of a million dollars was raised in the United States for relief and other purposes—the greater part of which was expended on behalf of the pro-Loyalist cause.

In addition to holding meetings, distributing literature favorable to the Loyalist cause, and raising funds for relief and other purposes, certain organizations facilitated the travel of volunteers and enlisted "technical" assistants in the Loyalist cause. Thus the American Society for Technical Aid to Spanish Democracy advertised that each American worker going to Spain "would free a Spanish worker to join the military forces of his own country. . . . Many electricians, steel workers, truck drivers, miners, bakers, others are ready to respond to the call to serve in freedom's cause, though behind the firing line."⁵ An American who deserted in Paris claimed that he had answered a call for skilled men issued by this Society, but soon learned that his tools were to be the rifle and bayonet. He asserted that he had spent some time in a training camp for volunteers in Sullivan County, New York, but the offices of the Society denied this statement.⁶

Whatever the methods employed, several thousand American volunteers were soon fighting in Spain. The Friends of the Debs Column was organized by the Socialist party, for the purpose of collecting funds on behalf of the Eugene V. Debs Column. The Friends of the Abraham Lincoln Battalion, organized in April 1937 by sympathizers, collected funds and materials to send to this Battalion, numbering 2000 Americans, and to act as a clearing house for casualties, mail and other matters.⁷ Although the Friends of the Debs Column and the American Society for Technical Aid to Spanish Democracy disappeared following passage of the Neutrality Act prohibiting war contributions except for humanitarian purposes, the Friends of the Abraham Lincoln Battalion are registered with the State Department and deny carrying on re-

4. *New York Times*, October 31, 1937. In some cases this balance includes funds collected before May 1, 1937, when the law became effective. The comparatively small proportion of funds sent to Spain, it was explained, was due to the fact that the report did not include large donations of food and other material, and also that the period covered the summer months when contributions fell off although administrative expenses remained the same. Cf. *New York Times*, September 5, 1937; *New York Herald Tribune*, September 10, 11, 1937. The large sums spent in America included publicity and heavy rentals, such as that of Madison Square Garden.

5. Cf. *New Masses*, January 26, 1937; also James Hawthorne, "The Yanks under Fire," *ibid.*, May 4, 1937.

6. *New York Times*, May 26, 1937.

7. Cf. *The Story of the Abraham Lincoln Battalion*, pamphlet published by the Friends of the Abraham Lincoln Battalion, New York.

2. *Medical Relief Bulletin*, July 1937.

3. *Trade Union Relief for Spain*. Accounting. The administrative expenses were relatively low.

cruiting activities.⁸ Today the Debs Column, consisting largely of technicians, has been merged with the Lincoln Battalion.

In addition to these American volunteers inspired by ideological considerations, about 300 anti-fascist Italian-Americans have joined the Garibaldi Brigade in Spain; and the Valencia government also secured the services of such professional American aviators as Bert Acosta and Harold E. Dahl, paying them \$1000 to \$1500 a month. Thirty per cent of the American volunteers, it was estimated, had been killed by May 1937.⁹

Thus the Spanish civil war produced a considerable movement of American opinion, resulting in contributions for relief, propagandist meetings and literature, and the actual volunteering of Americans. That the Spanish question did not dominate opinion during the first year of the war was shown by the Institute of Public Opinion poll of February 14, 1937, which found that 66 per cent of those polled did not care whether the Loyalists or Franco won.¹⁰ Nevertheless, this country's interest in Spain gave cause for anxiety to those Americans who believed in neutrality and who feared a more intense sentiment should wars and revolutions spread elsewhere.

Meanwhile the Embassy and consular officials of the United States in Spain strenuously endeavored to protect and evacuate the 1582 Americans in the country.¹¹ On July 22, 1936 Mr. Eric C. Wendelin, in charge of the Madrid Embassy, informed all known Americans in the city "that the Embassy is open to all Americans and offers its protection if desired by them"—an invitation accepted by about 150.¹² As early as August 1 the government urged all Americans to evacuate. To assist in this task, the American government sent a number of warships to Spanish waters, including the U.S.S. *Quincy*, the U.S.S. *Oklahoma* and the Coast Guard cutter *Cayuga*, while the American Export Line agreed to divert the S.S. *Exeter* from Marseilles to Barcelona for this purpose. American vessels cooperated with those of other powers in evacuating foreign nationals.¹³

8. Cf. p. 213. This organization is now extending hospitalization to more than a hundred wounded returned volunteers.

9. *New York Times*, May 19, 1937.

10. Of those who expressed any sympathy, 22 per cent were with the Loyalists and 12 per cent with the Rebels.

11. One consular clerk, Santiago Iturralde, was killed trying to protect Americans. State Department, *Press Releases*, July 25, 1936, p. 81. There were more Americans who had not registered with the consulates.

12. *Ibid.*, pp. 70ff. Previously the American, French and British consuls jointly requested effective protection for their respective nationals from the governor of Malaga province. The latter admitted inability to comply with this request.

13. *Ibid.*, August 1, 1936, p. 101.

On August 3 Secretary Hull declared that, irrespective of the decision of individual Americans to leave Spain, "the government will continue its every effort to protect them." At the request of the governments concerned, the United States instructed its Embassy and its seven consulates to extend their facilities of protection and evacuation to the nationals of Belgium, Sweden, Finland, Turkey, Chile, Panama, Cuba, Austria and Argentina.¹⁴ In addition to this endeavor to protect American lives, the United States on August 6 announced that it had formally notified the Spanish government that it could not admit that "private property, whether in the hands of American nationals or abandoned by them temporarily because of conditions over which they have no control, may be interfered with with impunity or denied the protection to which it is entitled under international law."¹⁵ In reply the Spanish government agreed to pay just compensation for any property taken by reason of state.¹⁶ Subsequently the Spanish Foreign Office informed the American Embassy that since the Rebels had declared ports in their possession to be a war zone, the Spanish fleet, to avoid "possible incidents," would not permit the entry of merchant ships into such ports. On August 25 the State Department replied that it could not admit the legality of such action unless the government maintained "an effective blockade of such ports."¹⁷

Thus in attempting to protect American nationals and property, and in refusing to acquiesce in a blockade unless effective, the State Department endeavored to enforce the rights accorded the United States under international law, despite the isolationist philosophy underlying the Neutrality Act.¹⁸

On August 30, 1936 an unidentified airplane dropped several bombs in the vicinity of the U.S. destroyer *Kane*, approximately 40 miles off the Spanish coast. In a statement whose moderation contrasted sharply with Germany's reaction against similar attacks, Secretary Hull emphasized the "complete impartiality" of the United States in the Spanish conflict, and declared his belief that the attack was due to mistaken identity. He asked both sides in the war "to issue instructions in the strongest terms . . . to prevent another incident of this character, since the sole purpose of the

14. *Ibid.*, p. 106. Apparently protection was later extended to nationals of Denmark, Turkey and Yugoslavia. *Ibid.*, August 8, 1936.

15. *Ibid.*, p. 131.

16. *Ibid.*, August 29, 1936, p. 187.

17. *Ibid.*, p. 192.

18. *Ibid.*, August 8, 1936, p. 124.

presence of American naval vessels about the Spanish coast is to afford facilities for the removal of American nationals."¹⁹

Apparently aroused by criticism that this statement was too mild, the State Department published the next day a telegram sent to the American Embassy in Madrid, containing instructions not found in the first statement—"endeavor to obtain a categorical statement as to whether the plane making this attack was a Government plane, and urge and insist upon definite assurance that appropriate instructions will immediately be issued to the Government armed forces."²⁰ This attack strengthened the belief of some pacifists that American vessels should not have been sent to Spanish waters at all, and that Americans in Spain should not receive the protection of the United States. On August 31 Secretary Hull announced that about 1000 Americans had been evacuated, while 500 remained, and that it would soon be possible to determine when the task of relief could be terminated. On September 2 American representatives in Spain were instructed to make a final appeal to remaining nationals; and on the 10th the Department announced that "a stage has been reached when the American naval vessels can be withdrawn from Spanish waters."²¹ American diplomatic officials were given discretion to close their offices temporarily and depart to places of safety. They had discharged their task so effectively that no American citizen had been killed. On November 21 the American Consul-General at Barcelona sent out a notice that citizens who remained in Barcelona did so "at their own risk and on their own responsibility." On November 26, a few weeks after General Franco had laid siege to Madrid, the Embassy staff left the city.²²

Meanwhile, the international aspects of the Spanish civil war had become evident. On August 6 the French cabinet drafted a non-intervention agreement imposing a ban on the export of war implements to Spain.²³ Should the United States,

however, continue to send arms to Spain, the purpose of the non-intervention agreement would be defeated. But the President was powerless to act, for the Neutrality Act of February 1936 authorized him to impose an arms embargo only in the event of war "between or among nations." After pointing this out on August 7 in a statement sent to American representatives in Spain, Acting Secretary of State William Phillips declared that, "in conformity with its well-established policy of non-interference with internal affairs in other countries, either in time of peace or in the event of civil strife, this government will, of course, scrupulously refrain from any interference whatsoever in the unfortunate Spanish situation. We believe that American citizens, both at home and abroad, are patriotically observing this well-recognized American policy."²⁴ This was apparently intended to discourage war trade with Spain.

On August 20 Mr. Phillips declined to go further and accept the proposal advanced by the Uruguayan government that the United States and other American countries should offer to mediate in the civil war. The Department did not believe that the prospect of such mediation was such as to warrant the United States to depart from its "policy of non-interference in the internal affairs of other countries."²⁵⁻²⁶

Nevertheless, in response to an inquiry from an American aviation manufacturer with regard to the export of war implements to Spain, the Department called attention to the instructions sent its diplomatic representatives in Spain, and concluded that "it seems reasonable to assume that the sale of aeroplanes, regarding which you inquire, would not follow the spirit of the government's policy." Until the end of December 1936 this "moral suasion" policy—applied in the Ethiopian war—seemed to be effective in preventing the export of war implements to either side.²⁷ In that month, however, a Mr. Robert Cuse applied to the Department for licenses to export—presumably to the Loyalist government—aircraft material including 411 engines, having a value of \$2,777,000, which had been bought from private owners. Under the law the Department had no alternative but to issue the license, which was done on December 28. Similarly it was obliged to

19. *Ibid.*, August 29, 1936, pp. 193-94.

20. *Ibid.*, September 5, 1936, p. 202. The Madrid government, expressing its regret, stated that no government planes were operating in the area. General Franco expressed regret, saying that the possibility of error by his forces could not be excluded. *Ibid.*, p. 203; and September 12, 1936, p. 225.

21. They were instructed to proceed to ports in near-by countries, from which they could return to evacuate diplomatic representatives or possibly destitute Americans. *Ibid.*, September 12, 1936, p. 227.

22. *Ibid.*, November 21, 1936, p. 407; and November 28, 1936, p. 413. On January 11, 1937, 34 Americans still remained on the Embassy premises in Madrid, contrary to the advice of the State Department and "upon their own responsibility." *Ibid.*, January 16, 1937.

23. Vera Micheles Dean, "European Diplomacy in the Spanish Crisis," *Foreign Policy Reports*, December 1, 1936, p. 225.

24. State Department, *Press Releases*, August 15, 1936, p. 152.
25-26. Cf. Mr. Phillips to J. Richling, *ibid.*, August 22, 1936, p. 176. France apparently had in mind American adherence to the non-intervention agreement. Cf. *New York Times*, August 12, 1936. Other Latin American governments also declined the Uruguayan proposal. *Ibid.*, August 20, 1936.

27. In one case a broker turned down an advance commission of \$450,000 when informed it might embarrass his government. At least twenty companies of high standing similarly declined orders. *New York Times*, December 29, 1936.

issue 19 licenses on January 5 to a Mr. Dineley of San Francisco, covering the export of aircraft, rifles, machine guns and cartridges.²⁸

The British Foreign Office, according to one dispatch, asked the American Embassy in London for information about the rumored export of American planes to Spain, indicating anxiety lest the United States undermine the efforts of the non-intervention committee.²⁹ While Madrid hailed with delight the news of these licenses, President Roosevelt on December 29 scored Mr. Cuse's request as legal but unpatriotic.³⁰ The State Department on December 30 notified its European Embassies that it had been obliged to grant these licenses since the 1936 Neutrality Act did not apply to civil strife. It sincerely regretted "the unfortunate non-compliance by an American citizen with this Government's strict non-intervention policy."³¹

President Roosevelt took a further step toward remedying the situation by asking in his message to Congress on January 6, 1937 that the Neutrality Act be amended "to cover specific points raised by the unfortunate civil strife in Spain."³² Apparently it was hoped that legislation could be rushed through before the Cuse shipments were made. Originally the President favored discretionary authority to extend embargoes in the event of civil strife generally.³³ But, apparently owing to fear that opponents of such a wide discretionary grant would delay prompt action, Senator Pittman merely asked unanimous consent for the consideration, without prior reference to committee, of a resolution imposing an embargo on the export of implements of war to Spain. The preamble of the resolution (S.J.Res. 3) mentioned the fact that the so-called Insurgents had been recognized

by certain governments and that the nationals of other countries were helping the Loyalists; it also referred to the non-intervention agreement. Following criticism by Senator Vandenberg and others that the preamble contained equivocal and embarrassing statements, it was withdrawn.³⁴

The resolution proper aroused a number of misgivings in both the Senate and the House. Was it wise thus to single out one state?³⁵ Congressmen asked if the resolution would establish a precedent which might injure a Latin American government, such as Mexico, endeavoring to repress a revolt. Some advanced the view that in imposing such an embargo, the United States would injure a democratic régime to the advantage of fascism. For the bill would prohibit the Madrid authorities, as well as Franco, from buying arms, but would not prevent fascist Germany and Italy, which were openly intervening on Franco's behalf, from continuing to buy arms here.³⁶

Another aspect of the problem was pointed out by Senator Nye. Ordinarily an isolationist, the Senator declared that "we are going to cooperate with Great Britain and with France in what I conceive to be a splendidly conceived program of preventing a spread of the difficulty. . . ." But what would be the position of the United States "if the following week Britain and France decided to sell arms to the Loyalists?" The suggestion that the purpose of this resolution was to cooperate with other powers in the settlement of a European controversy met with a vehement denial, not only from Senator Borah but from Senator Pittman.³⁷

Despite these arguments, the Senate quickly passed the Spanish arms embargo on the very day the President requested it—by a vote of 81 to 0 (12 not voting).³⁸ On the same day, the House adopted the bill by 406 to 1 (27 not voting). The lone negative vote was cast by Mr. Bernard of Minnesota, a native of Corsica, who subsequently explained his vote by declaring: "Fascism is engaging in the open rape of Spain." The present legislation, he said, was "sham" neutrality for its object was "to choke off democratic Spain from its legitimate international rights at a time while it is being assailed by the Fascist hordes of Eu-

28. *New York Herald Tribune*, January 6, 1937.

29. *Ibid.*, December 30, 1936; also *New York Times*, December 29, 1936. The sympathy of the State Department for the work of the non-intervention effort was illustrated when, on December 10, 1936, Acting Secretary R. Walton Moore reported that Britain and France had invited Germany, Italy, the Soviet Union and Portugal to join them in a mediation offer to end the Spanish civil war. "It is the very earnest hope of our Government that the six nations mentioned may find a peaceful method of accomplishing the great purpose in view. This expression represents no deviation from our well-known policy of non-interference in the affairs of other countries." State Department, *Press Releases*, December 12, 1936, p. 496.

30. *New York Times*, December 30, 1936. Mr. L. W. Rogers, president of the Aeronautical Chamber of Commerce, stated, "American aircraft manufacturers are cooperating with the government 100 per cent in seeing that their products are not exported abroad contrary to the spirit of neutrality expressed by the present law and the policy of the administration. . . . The American manufacturers have no way of controlling resale of their products on the part of private owners."

31. State Department, *Press Releases*, January 2, 1937, p. 5.

32. *Congressional Record*, January 6, 1937, p. 87.

33. *Christian Science Monitor*, January 5, 1937; *New York Times*, December 29, 1936, and January 5, 1937.

34. *Congressional Record*, January 6, 1937, p. 79. Mr. Fish said the preamble practically recognized a state of belligerency. *Ibid.*, p. 97.

35. Cf. Senator Clark, *ibid.*, p. 77. For the Havana convention of 1928, cf. R. L. Buell, "The Neutrality Act of 1937," *Foreign Policy Reports*, October 1, 1937, p. 172.

36. Cf. Congressmen Maverick, Fish, Amlie, and Johnson of Minnesota. *Congressional Record*, January 6, 1937, pp. 95ff.

37. *Ibid.*, p. 80. A few days previously Senator Pittman declared that American arms shipments were very embarrassing to European governments. *New York Times*, December 29, 1937.

38. *Congressional Record*, January 6, 1937, p. 82.

rope. . . ." American moneylords, he continued, were "in thorough sympathy with the Spanish aristocrats. . . ." ³⁹

Somewhat the same view was expressed by 31 "progressive" members of the House who declared that they voted for the Spanish embargo resolution only with misgiving. ⁴⁰ They believed that "if an embargo is enforced against the Spanish Government, but not against other nations shipping to the Spanish Rebels, the United States is placed in the position of actually or constructively acting as co-belligerents with the forces attempting to overthrow the Spanish Government."

The embargo resolution of January 8 made it illegal to export munitions and implements of war to Spain "or to any other foreign country for transshipment to Spain or for use of either of the opposing forces in Spain." Moreover, it cancelled licenses previously issued for this purpose. Nevertheless, the day before this resolution was signed the Spanish steamer, *Mar Cantábrico*, succeeded in sailing from New York for Spain, with part of the Cuse orders. ⁴¹ Following diplomatic conversations, Mexico assured the State Department that, while it had supplied war materials of its own manufacture to the Spanish government, it would not permit airplanes or other war materials coming from the United States to be sent to Spain via its territory. ⁴²

The embargo resolution of January 8 was hailed by General Franco, who declared, "President Roosevelt behaved in the manner of a true gentleman. His neutrality legislation, stopping export of war material to either side—the quick manner in which it was passed and carried into effect—is a gesture we nationalists shall never forget." ⁴³ A dispatch from Berlin declared: "Germany is loud in her praise of the United States embargo on arms shipments to Spain. The American attitude is compared favorably with that of all other nations,

and regret is expressed only that the present definition of neutrality was not adopted twenty years ago." ⁴⁴

In contrast, the resolution met with intense opposition from the American groups working in favor of Madrid. At the hearings of the House Committee held in January to frame permanent neutrality legislation, representatives of the Socialist party, the American League against War and Fascism, and the North American Committee to Aid Spanish Democracy protested against the January resolution and the inclusion of similar provisions in the proposed new law, ⁴⁵ but their protests did not avail with a committee interested primarily in "keeping America out of war."

Once the January embargo had been imposed, the State Department took further steps to decrease so-called involvement in the Spanish civil war. Thus it announced on January 11 that to discourage Americans from going to Spain, it was marking all passports "not valid in Spain." Such a practice, started in August 1936, did not actually prohibit Americans from going to Spain, but did deny them protection. ⁴⁶

No issue as to passports apparently arose over the sailing in January 1937 of the first surgical unit sent by the Medical Bureau of the American Friends of Spanish Democracy. But on March 3, when the second unit proposed to sail, the Department declared that it would not issue passports unless Americans made an affidavit that it was not their intention to go to Spain. "No exceptions have been deemed feasible, notwithstanding the eminence and fine character of the organization under whose auspices a person or persons may go to Spain," in view of the effort of the government to remove Americans from the country. The Department pointed out that the American Red Cross Society was not sending either personnel or equipment, but was contributing funds to the International Red Cross Committee, which had delegates in both Loyalist and Rebel cities. It intimated that Americans might send contributions to Spain through the Red Cross. ⁴⁷

This ruling of the State Department was bitterly attacked by liberals who declared that the neutrality policy, going beyond any express statu-

39. *Ibid.*, January 22, 1937, p. 476.

40. *Ibid.*, February 2, 1937, appendix, p. 916.

41. At the request of two American flyers claiming back pay, the Coast Guard served a writ on the *Mar Cantábrico* in Long Island Sound. But the writ applied only to any personal property consigned to War Minister Prieto, and none was found. The vessel proceeded to Vera Cruz, Mexico, where it took on additional supplies. General Franco's agents in New York informed the Rebel authorities of the detailed movements of the ship and, despite its camouflage as a British vessel, the *Mar Cantábrico* was captured near Spanish waters, *New York Times*, March 10, 1937. Supporters of the neutrality legislation were quick to point out that, had this been an American ship, serious difficulties might have arisen.

42. *New York Herald Tribune*, January 4, 1937. Despite disavowals from Washington, the Mexican public believed that this action of its government was due to pressure from the State Department. *New York Times*, January 16, 1937.

43. *New York American*, February 1, 1937.

44. *New York Times*, January 8, 1937.

45. U. S. Congress, House, Committee on Foreign Affairs, Hearings before the Committee on Foreign Affairs, *American Neutrality Policy* (1937), H.J.Res. 147, 75th Congress, 1st session, pp. 131, 138, 142. Cf. also *Congressional Record*, April 29, 1937, p. 5166.

46. *New York Times*, January 12, 1937. The Secretary of State may issue passports subject to such conditions or restrictions as he sees fit to impose. Vol. 40, United States Statute, p. 227.

47. State Department, *Press Releases*, March 6, 1937, p. 125.

tory authority, was inspired by a desire not to antagonize influential Catholic circles in the United States whose support was desired on the Supreme Court issue.⁴⁸ A brief presented to the State Department argued that to refuse passports to American doctors and newspaper men desiring to go to Spain was "an arbitrary and unconditional depriving" of the right to practice a chosen profession, lacking in due process of law, and infringing upon the freedom of the press.⁴⁹

Apparently as a result of such criticism, the Department on March 13 virtually reversed its position. On this date it issued an "explanatory proviso" to the effect that passports in Spain would be issued to the physicians, nurses, and necessary attendants of bona fide medical and relief missions from this country. At the same time it repeated its previous appeal to send contributions through our Red Cross for the "impartial relief of Spanish suffering."⁵⁰ Consequently the second medical unit sailed; while solicitation for funds by the pro-Loyalist organizations continued.

Moreover, when in January the Department first learned of the presence of American volunteers in Spain, it telegraphed to the American consul-general in Barcelona, citing the statutes against such enlistments, and declaring that "the enlistment of American citizens in either of the opposing forces in Spain is unpatriotically inconsistent with the American government's policy of the most scrupulous non-intervention in Spanish internal affairs."⁵¹ A few days previously the Federal Bureau of Investigation began inquiry into alleged instances of recruiting.

As a further sanction, the State Department in September indicated that Americans participating in the Spanish war were being deprived of their passports on returning to the United States.⁵² Moreover, the French government arrested a large number of Americans endeavoring to cross the French border in violation of French laws and the non-intervention agreement.⁵³

Under existing legislation it is illegal for an American citizen within American territory to "accept" a commission to serve a foreign state or

district of any state with which the United States is at peace. It is also illegal for any one to enlist or retain any foreign person to serve within the jurisdiction of the United States. If an American thus enlisting takes an oath of allegiance to a foreign government, he is deemed to have expatriated himself.⁵⁴

The legislation against foreign enlistments, dating back to 1794, contains numerous loopholes. Before enlistment becomes illegal, it apparently must be established that a person has actually been employed by the enlisting government. But pro-Loyalist agents could evade this prohibition by merely paying the passage of the defendant, and delaying employment upon his arrival on foreign soil.⁵⁵ Thus no contract is actually made within the United States. Moreover American citizens may obtain passports to go to France. Once there, the United States has no authority to prevent them from receiving Spanish passports and joining the Spanish forces, whether or not they have a contract with the Spanish government.⁵⁶

Moreover, it has always been difficult to obtain jury convictions in cases involving violation of neutrality laws in a foreign war which has aroused feeling in the United States.⁵⁷ For these various reasons, the Department of Justice did not start any prosecutions during the Spanish civil war, although its agents investigated a number of cases of alleged recruiting. In January 1937 Congressman Dickstein introduced a bill (H.J.Res. 108) authorizing the President to prohibit any American citizen from enlisting in the armed forces of any foreign state engaged in war or from participating on either side of a civil war, and also to prohibit any American citizen from soliciting enlistments, under a maximum penalty of a \$10,000 fine and five years' imprisonment.

Concerned over this activity on behalf of the Loyalist cause, the House Foreign Relations Committee reported out a neutrality bill in April 1937 which, in addition to giving the President discretion to impose an arms embargo against a for-

48. "Is the State Department Favoring Franco?" *The Nation*, March 13, 1937; also Washington dispatch, *New York Herald Tribune*, March 14, 1937.

49. Foreign Relations and Intercourse: Passports, prepared by Ernest Cuneo and Morris L. Ernst.

50. State Department, *Press Releases*, March 20, 1937, p. 154.

51. *Ibid.*, January 16, 1937, p. 37. *New York Times*, January 8, 1937.

52. *New York Times*, September 17, 1937. For the case of a "volunteer" arraigned for giving false information on a passport application, cf. *New York Times*, August 22, 1937.

53. *Ibid.*, April 10, 14, 16, May 9, 13, 22, 1937.

54. Title 18, Section 21, United States Code; Title 18, Section 22, United States Code, Section 2, Act of March 2, 1907; quoted, State Department, *Press Releases*, January 16, 1937.

55. Cf. a brief, "Offenses against Neutrality," prepared by Ernest Cuneo and Morris L. Ernst. Ambassador de los Ríos declared that his government would not encourage recruiting or unpleasant propaganda. *New York Times*, January 5, 1937.

56. Mr. Harold E. Dahl, an American citizen and former reserve officer in the United States Army, went to Spain from Mexico under an assumed name and with a Spanish passport. He was engaged at \$1500 a month to serve, he declared, as an aviation instructor. Captured and sentenced to death by the Rebels, he was finally reprieved as a result of intervention by his wife. Cf. *New York Times*, October 8, 1937.

57. Edward Dumbauld, "Neutrality Laws of the United States," *The American Journal of International Law*, April 1937.

sign state in the event of "civil strife,"⁵⁸ prohibited the solicitation of any contribution "for or on behalf" of any government or faction in a state where civil strife existed.

In the House, chairman McReynolds defended this provision on the ground that "we must keep our people as neutral as possible," adding that the bill would not prohibit solicitation of funds for the American Red Cross or other organizations which were not "a party of the Government."⁵⁹ Mr. Johnson of Texas, referring to the fact that in New York \$125,000 had been raised by an organization on behalf of one faction, said: "We want to stop that. We want our people to be neutral, and having meetings and raising money for factions at war is not neutrality."⁶⁰ This proposal to stop contributions did not meet with unanimous approval. Mr. Boileau declared: "I do not believe that in the name of neutrality we should forget those finer instincts of humanity and close our eyes to the suffering of men, women and children who are in need of medical aid."⁶¹ To meet such criticisms, chairman McReynolds offered an amendment allowing collection of funds for medical aid and to relieve human suffering when made for groups not acting for or on behalf of a government. But it was pointed out that at times a government was the only one to which citizens could make a contribution.⁶² Nevertheless the House, by a vote of 87 to 16, defeated an amendment asking that the requirement restricting aid to non-government agencies be eliminated.⁶³

The permanent neutrality bill, which became law on May 1, 1937, contained two main provisions applying to Spain: (1) the discretionary embargo power to the President in the event of "civil strife"; (2) the prohibition against solicitation of war contributions, except for the proviso:

"Nothing in this subsection shall be construed to prohibit the solicitation or collection of funds to be

58. The term "civil strife" may have been taken from the Havana Convention of 1928 defining the rights and duties of states in the event of "civil strife." This term evades the implication that the Rebels have belligerent status.

59. *Congressional Record*, March 12, 1937, p. 2771. Subsequently chairman McReynolds declared: "No war occurs in Europe but what some of the foreign population groups in the United States immediately begin to take sides. We want to stop, as much as possible, the anger and rivalry which would thus occur among our own citizens, who should think more of the United States of America than they seem to think of the countries whence they came." *Congressional Record*, April 29, 1937, p. 5177. This statement seems to overlook that the "taking of sides" in the Spanish civil war was done largely by native-born Americans.

60. *Ibid.*, March 18, 1937, p. 3087.

61. *Ibid.*, March 16, 1937, p. 2952.

62. Congressman Boileau, *ibid.*, March 18, 1937, p. 3086.

63. *Ibid.*, p. 3087.

used for medical aid and assistance, or for food and clothing to relieve human suffering, when such solicitation or collection of funds is made on behalf of and for use by any person or organization which is not acting for or on behalf of any such government, subdivision, faction, or asserted government, but all such solicitations and collection of funds shall be subject to the approval of the President and shall be made under such rules and regulations as he shall prescribe."⁶⁴

On the day the President signed the new neutrality law, he issued a proclamation declaring that a state of civil strife unhappily existed in Spain "under such conditions that the export" of implements of war "would threaten and endanger the peace of the United States," and continuing the arms embargo, which had been imposed by Congressional resolution on January 8.

On May 5 the State Department issued regulations governing the soliciting of contributions for use in Spain. It asked individuals or organizations not acting on behalf either of the Loyalists or the Rebels to register with the Department, and to solicit funds only after having received a notice of acceptance of registration. Such organizations were also obliged to submit monthly statements regarding the amount of contributions and their disposal.

Twenty-six organizations soon complied with these provisions. While the chief visible effect of the neutrality law was that organizations which at first had sent funds directly to the Valencia government now had to send them to some neutral party,⁶⁵ it is believed that the law did increase the probability that the funds would be used for *bona fide* relief purposes. A number of registration applications were held up until assurances to this effect had been authenticated both in the United States and abroad. Moreover, the publicity attendant on the release of monthly statements may tend to keep down administrative expenses and the amount of money spent on propaganda in the United States, although propaganda is not prohibited by the law.⁶⁶ In no case did the Department decline to register an applicant; but one or two organizations, such as the Society for Technical Aid, suspected of

64. Section 3 (a). In addition, the prohibition against lending to belligerents and arming of merchantmen applied. Instead of increasing as a result of war, American exports to Spain during the first eight months of 1937 declined to \$2,433,420 from \$21,011,430 for the first eight months of 1936. Imports from Spain were \$11,029,436 during the first eight months of 1937, as against \$12,506,357 for the same period in 1936.

65. Funds from the North American Committee, for example, were sent to an international committee in Paris.

66. However, an organization raising money avowedly for relief may be liable for misuse of funds if it applies this money for propaganda.

engaging in recruiting, did not register and seem to have suspended activities.

Nor did these provisions in the neutrality law prevent an outburst of American opinion when German and Italian planes, according to press reports, assisted in the bombardment of the undefended Basque city of Guernica, killing eight hundred non-combatants. The bombardment shocked opinion in many countries, and caused a large number of American leaders in May to sign a public protest, denouncing "the monstrous crime of Guernica in the name of justice and humanity." The protest was signed, among others, by seven Senators, two Governors, former Secretary of State Stimson, former Secretary of War Newton Baker, the Republican Presidential candidate in 1936, Alfred M. Landon, together with Theodore Roosevelt, Jr. and Charles P. Taft, 2nd. Moreover, representatives of the American League against War and Fascism picketed the German Embassy, calling for withdrawal of all German troops and planes from Spain.⁶⁷⁻⁶⁸ A thousand people organized by the North American Committee to Aid Spanish Democracy picketed the office of the German Consul-General in New York.⁶⁹

About the same time, Senator Borah delivered a stinging rebuke to fascism in the Senate. After quoting fascist condemnation of democracy and dispatches relative to the indiscriminate slaughter of Ethiopians following the attempt upon General Graziani, he declared:

"This is the logic of fascism. . . . This is not courage but cowardice; not government, but brute savagery; not war, but butchery. . . . From Ethiopia let us go to Spain. Here fascism presents to the world its masterpiece. It has hung upon the wall of civilization a painting that will never come down—never fade out of the memories of men. So long as men and women may be interested in searching out from the pages of history outstanding acts of cruelty and instances of needless destruction of human life they will linger longest and with the greatest horror over the savage story of the Fascist war in Spain. . . ." Referring to the "mass murder" at Guernica, the Senator said: "It remained for the Fascist warfare to select the deadliest weapons which the ingenuity of man has contrived and to show to the world how thorough and effective these weapons are when used for the destruction of women and children. . . . Fascism boasts of courage, of the bravery of its soldiers; boasts how it makes men of its adherents, and tells other peoples that fascism makes heroes of the young. And, as evidence of the fulfillment of its creed, it points to the subjugation of the wholly weak and disarmed Ethi-

opia, and now doubtless will take pride in the successful slaughter of women and children throughout Spain. No language can describe the scene at Guernica, and Guernica was not a single instance; it was simply a culmination of a long line of unspeakable atrocities. . . ."⁷⁰

American opinion was once more aroused when the German navy, in retaliation for the attack on the *Deutschland*, bombarded the undefended city of Almeria. On May 31 Senator Borah declared that apparently an act of war had been committed and that "we should apply our Neutrality Law to all participants."⁷¹ The demand that the arms embargo be extended to Germany, Italy and Portugal was supported by a number of other Senators, a bloc of 21 Congressmen and several anti-fascist organizations.⁷²⁻⁷³ On the other hand, Senator Pittman, chairman of the Committee on Foreign Relations, declared: "The President has authority to decide if a state of war exists and if the Neutrality Act should be invoked. The European non-intervention nations are seeking to keep the warfare localized in Spain, and so far they have succeeded. There is nothing we can do to aid them, and any attempted action on our part might disrupt their efforts and endanger our own pact."⁷⁴

As the publication of Italian casualty lists indicated, the President had abundant evidence to justify the conclusion that both Germany and Italy had committed acts of war in Spain, although neither had declared war against the Spanish government. In October 1935 President Roosevelt had imposed the arms embargo on Italy and Ethiopia, although Italy had not declared war.⁷⁵ President

70. *Congressional Record*, May 6, 1937, p. 5522.

71. *New York Times*, May 31, 1937.

72-73. For letter to President Roosevelt from the North American Committee to Aid Spanish Democracy, cf. *New York Times*, July 5, 1937. As early as March 15 the Loyalist government, in a note to the United States, appealed to Washington as a signatory of the Kellogg pact to note the "invasion of Spain" by troops of other nations. *New York Herald Tribune*, March 16, 1937. Cf. also M. H. Hallgren "The U. S. Plays Ostrich," *The Fight*, August 1937. Cf. Senate Resolution 100 introduced by Senator Nye on April 9, 1937, asking the Secretary of State to advise whether the existing neutrality laws were sufficient to provide an embargo against nations whose armed forces are engaged in active warfare in a country where a state of civil war exists. In a statement formally presented to Secretary Hull, a delegation representing 21 progressive Congressmen declared: "Further delay in including Italy and Germany within the embargo now enforced against the legitimate government of Spain is tantamount to a declaration that the United States Government, despite all official statements to the contrary, has sided with the traitor General Francisco Franco and his allies, the Fascist invaders of Spanish soil." *New York Times*, June 3, 1937. Several months later a committee of the National Lawyers Guild contended that the arms embargo violated the treaty of 1902 guaranteeing liberty of commerce between Spain and the United States. *Ibid.*, October 26, 1937.

74. *New York Herald Tribune*, June 3, 1937.

75. Cf. R. L. Buell, "The New American Neutrality," *Foreign Policy Reports*, January 15, 1936, p. 284.

67-68. A.P. dispatch, May 8; *New York Herald Tribune*, May 9, 1937.

69. *New York Herald Tribune*, May 9, 1937.

Roosevelt, however, declined now to extend the arms embargo, apparently because he did not wish thus to pronounce a moral judgment on the acts of Germany and Spain. In going beyond the judgments taken by the London Non-Intervention Committee, he would have placed the United States in an exposed position, and tended to assume single-handed responsibility for localizing the Spanish war. Consequently, the American government continued to embargo the Madrid government, while allowing Germany and Italy freely to buy arms in this country. Some pacifists were more concerned with preventing the United States from becoming "involved," than with the possibility that this country might commit an act of injustice against Madrid. They also pointed out that, in fact, purchases of munitions by Germany, Italy and Portugal from the United States during the Spanish crisis had not materially increased.⁷⁶ Other Americans, conscious of this country's humanitarian tradition, held that the alleged "neutrality" policy had placed the United States in a wholly untenable position. The arms embargo, they argued, had been imposed on the assumption that the non-intervention agreement would be enforced. Britain and other powers were working for its enforcement. The United States had assumed no such responsibility. Consequently, its embargo policy against Spain was less defensible than that of Britain or France. But either to lift the embargo now or to extend it involved grave international dangers. One escape from this dilemma, in their opinion, was for the United States, possibly in cooperation with other American states, to join the non-intervention committee.

While the Roosevelt administration showed no indication of following a policy of concerted action, Secretary Hull in a conversation on May 31 with Dr. Hans Dieckhoff, German Ambassador, expressed his earnest hope that the peace of Europe would not be disturbed. He repeated this statement in a conversation the next day with Fernando de los Ríos, the Spanish Ambassador.⁷⁷

As a result of these demonstrations of opinion, the picketing of Embassies became so embarrassing that some foreign representatives found it necessary to move their families out of Washington.⁷⁸

76. In fact American munition exports to Germany during the first nine months of 1937 were \$733,507, in comparison with \$502,587 for the year ending November 30, 1936. Cf. *First Annual Report of National Munitions Control Board* (Washington, Government Printing Office, 1937). Exports to Italy were \$252,160, in comparison with \$452,200 for the first year, representing a marked reduction. Portugal showed an increase from \$12,783 for the first year to \$25,824 for the first nine months of 1937.

77. *New York Herald Tribune*, June 2, 1937.

In August 1937 Senator Pittman introduced a bill (S.J. Resolution 191) making it unlawful to carry on such picketing within five hundred feet of any embassy or legation in order to "intimidate, coerce, or bring into public odium any foreign government, party, or organization, or any officer or officers thereof, or to bring into public disrepute political, social, or economic acts, views or purposes of any foreign government, party, or organization. . . ."⁷⁹ In supporting such legislation Secretary Hull declared that it was extremely embarrassing to be reminded by foreign governments that their missions were "being interfered with" by individuals or groups, and that under the comity of nations, diplomatic representatives were entitled to freedom from attempted intimidation. If the United States did not extend such protection to foreign representatives here, Mr. Hull said, our interests abroad would suffer in retaliation.⁸⁰

Senators Vandenberg and LaFollette raised the question whether the proposed resolution in its sweeping form did not violate freedom of speech guaranteed by the constitution; and the latter unsuccessfully proposed a less drastic amendment. The Senate adopted the Pittman proposal⁸¹ in its original form, except for a further proposal of LaFollette to the effect that the resolution did not apply to picketing in labor disputes, but the House failed to act before adjournment.⁸² In criticizing the Pittman bill, the *New York Herald Tribune* stated:

"If this legislation is adopted, not only will the individual's constitutional right to say what he pleases be curtailed but, more than that, the United States government will have tacitly accepted official responsibility for any placard that does, nevertheless, get carried past the embassy gates. . . . It is the duty of the United States to extend every courtesy to the representatives of other powers. . . . It is not its duty to shield them from the private citizen's opinion of their government's conduct. . . ."⁸³

Although events in the Orient diverted the attention of advocates of "neutrality" from Spain, American opinion continued to be agitated over events in the peninsula. Meanwhile, in certain cities, the use of municipal auditoriums and public

78. Cf. Senator Pittman, *Congressional Record*, August 10, 1937, p. 11028.

79. *Ibid.*, p. 11027.

80. Cf. letter of Secretary Hull to Senator Pittman of August 3, 1937, *ibid.*, p. 11034.

81. *Ibid.*, p. 11034.

82. It was merely reported back by the House Committee.

83. "A Private Affair," *New York Herald Tribune*, August 12, 1937. For a defense of this legislation, cf. L. Preuss, "Protection of Foreign Diplomatic and Consular Premises against Picketing," *American Journal of International Law*, October 1937, p. 705.

schools for pro-Loyalist meetings was denied.⁸⁴ Elsewhere pro-Loyalist films were banned.⁸⁵ In May, the Central Conference of American Rabbis vigorously condemned fascist intervention in Spain, expressing sympathy for the Loyalists.⁸⁶ On the other hand, the annual convention of the Catholic press conference declared their sympathy with the Rebels.⁸⁷ Catholic groups such as the Massachusetts Knights of Columbus attacked the proposed admission of Basque refugee children—although Catholic—on the ground that it was inspired by propaganda purposes.⁸⁸ The *Catholic News* criticized Mrs. Franklin D. Roosevelt for acting as patroness at a carnival for Spanish refugee children in Rockland County, New York, the proceeds of which were to go to the North American Committee.⁸⁹ Governor Hurley of Massachusetts declined to attend a reception in honor of three Boston brothers who had fought with the Lincoln Battalion, declaring they were "Communistic Reds."⁹⁰

A number of labor leaders, students, and intellectuals visited pro-Loyalist Spain, including two Congressmen—O'Connell of Montana and Bernard of Minnesota—while a few Americans went to Burgos. In September twenty-six leading American and Canadian educators, statesmen and religious leaders sent a cable to the Franco leaders pleading for the lives of 2000 civilians in Santander reported to be threatened with execution on account of loyalty to the Madrid government.⁹¹

A new phase opened when American Socialists assailed the Negrin government for its alleged mistreatment of Spanish Trotskyists. American sailors demanded a bonus for the risk of taking a vessel through Spanish waters, while the Maritime Federation of the Pacific called a 30-minute strike

in August against German and Italian intervention in Spain, as well as fascist labor policy.⁹²

Perhaps the most formidable controversy between American groups arose over the joint pastoral letter prepared by the Catholic hierarchy in Spain, justifying the revolution against the Madrid government.⁹³ On October 3, 1937, 150 Protestant clergymen, laymen and educators replied under the auspices of the American Friends of Spanish Democracy, asking whether the pastoral letter represented the views of the Catholics in America.⁹⁴ This document in turn led to a vigorous response from 175 Catholic spokesman.⁹⁵ At the height of the "piracy crisis," a spokesman of the American navy said that American war vessels in the Mediterranean were "on the alert," but that the United States was a "disinterested neutral," and did not expect to be involved. Nevertheless, American warships might fire in self-defense if attacked.⁹⁶

Meanwhile, in a note of August 27, the Uruguayan government asked the American governments to make a joint declaration recognizing Franco's belligerency. On September 4, however, the United States declared that the London Non-Intervention Committee, which it stood ready to support, had not decided on such a course, and consequently the United States could not associate itself with the action proposed by Uruguay.⁹⁷ Similarly, the United States declined to accept a proposal of the Cuban government that an international commission representing the countries of the American continent make a joint offer of their good offices for the purpose of arranging an armistice and, subsequently, terms of peace between the contending forces in Spain. It again advanced as a reason for this negative attitude "the policy of non-interference in the internal affairs of another country."⁹⁸

84. For the case of Waterbury, Conn., cf. *New York Times*, July 21, 1937. The Passaic Board of Education refused permission to hold a meeting in a school auditorium on June 8, 1937 (*Passaic Herald News*, June 9, 1937); the Milwaukee Auditorium Board refused permission, but this decision was later reversed by Circuit Judge Charles Aarons on May 15, 1937 (*Milwaukee News*, May 15; *Milwaukee Sentinel*, May 16, 1937).

85. "Spain in Flames," *The Nation*, March 27, 1937; *New York Times*, March 25, May 19, 1937; *New York Herald Tribune*, September 11, 1937. The Police Commissioner of Detroit censored the film, "Heart of Spain," declaring that "we want to be neutral. We don't want to stir up any racial feelings." Circuit Judge R. M. Toms overruled this decision, pointing out that the municipal ordinance involved authorized censorship only of indecent and immoral films; and declaring that the police commissioner was "not charged with the self-suggested duty of preserving the international relations between the United States and Hitler or Mussolini." *Detroit News*, September 10, 11, 1937.

86. *New York Times*, May 31, 1937.

87. *New York Herald Tribune*, May 23, 1937.

88. *Christian Science Monitor*, May 26, 1937.

89. *New York Times*, August 17, 21, 1937.

90. *Ibid.*, August 17, 1937.

91. *New York Herald Tribune*, September 9, 1937.

92. *New York Times*, August 3, 5, 25, September 14, 1937.

93. Text published in the *Brooklyn Tablet*, reprinted in the *New York Times*, September 3, 1937.

94. Text, *New York Times*, October 4, 1937. Cf. also "American Democracy vs. the Spanish Hierarchy," pamphlet published by the North American Committee to Aid Spanish Democracy. This contains, in addition to the "Reply of 150," letters by Professor Shotwell, George Seldes, Dr. Juan Orts Gonzales and Professor Franz Boas.

95. *Ibid.*, October 14, 1937. The Spanish Ambassador, Dr. Fernando de los Rios invited a mixed commission representing both Catholic and Protestant groups to visit Spain and formulate conclusions on the spot—an invitation accepted for the Protestants by Bishop Robert L. Paddock. No official Catholic reply seems to have been made. *Ibid.*, October 19, 20, 1937.

96. *New York Herald Tribune*, September 4, 1937. Cf. also the notice published by the Hydrographic Office of the Navy cautioning American shippers against these dangers in the Mediterranean. *Notice to Mariners*, No. 36, September 8, 1937, p. 809.

97. State Department, *Press Releases*, September 4, 1937.

98. For text of the Cuban note of October 21 and the American reply of November 2, cf. *New York Herald Tribune*, November 3, 1937.